

Remarks

I. Introduction

Applicant is in receipt of the Office Action dated at January 13, 2006. The Examiner recited several grounds for objecting to or rejecting the present application. Examiner objected to the drawings for not including representations to the angular disposition of second section of the fatigue/relieving apparatus. In view of this objection to the drawings, the Examiner also has objected to the specification. Lastly, the Examiner rejected pending claims 20-28 under 35 U.S.C. 102(b) for anticipation based on either Van Arsdel, U.S. Patent No. 2,118,540; Anson, U.S. Patent No. 2,134,020; or Laubach, U.S. Patent No. 1,575,848. Applicant will demonstrate herein that the objections and rejections have been overcome by this Response, thereby placing the present application in condition for allowance.

II. The Corrected Drawings Overcome the Examiner's Objection

On page 2 of the Office Action, the Examiner objected to the drawings because "each part of the invention, e.g., the angle and the face in claim 20 should be designated by a reference numeral or character." Applicant has corrected the drawings as requested by the Examiner. These changes to the drawings do not add new matter. As such, Applicant has traversed the Examiner's basis for objection to the drawings.

III. The Specification, As Amended, Overcome the Examiner's Objection

On page 4 of the Office Action, the Examiner objected to the specification for "failing to provide proper antecedent basis for the claim the subject matter, such as, 'an angle,' 'a plane,' and 'a face' in claim 1." Applicant has amended the specification to overcome this objection. These amendments do not add new matter. Therefore, this objection should be withdrawn.

IV. Claims 20-28 Are Not Anticipated Under 35 § U.S.C. 102(b)

Claims 20-28 are pending in the present application. In the current Office Action, claims 20-28 have been rejected by the Examiner for anticipation under 35 U.S.C. § 102

(b) based on a three references. These references are U.S. Patent No. 1,575,848 to Laubach ("Laubach"), U.S. Patent No. 2,118,540 to Van Arsdel ("Van Arsdel"), and U.S. Patent No. 2,134,020 to Anson ("Anson"). More specifically, the Examiner relied on Van Arsdel or Anson in rejecting claims 20-26, and 28/20; and Laubach in rejecting claims 20, 27, and 28. Hereinafter, Applicant will demonstrate that claims 20-28, as presently amended, place the present application in condition for allowance and the application should be passed to issue.

Based on Applicant's last response, the Examiner has withdrawn the anticipation rejections based on U.S. Patent No. 1,834,537 to Shipley ("Shipley"), and U.S. Patent No. 2,335,256 to Berzer ("Berzer"). Applicant would like to thank the Examiner for withdrawing these two patents as bases for rejection.

As stated in the previous Response, Laubach, Anson, and Van Arsdel, among other things, disclose an element that engages the hand of the driver that is disposed outward or inward from the steering wheel rim substantially in the plane across of the face of the steering wheel. As set forth in claims 20-28, the second section of the fatigue-relieving apparatus that supports, e.g., the hand of the driver, is disposed outward at an angle to the plane across the face of the steering. The second element also has the feature that it will "deform...out of interference with the vehicular operator's ability to operate the steering wheel when pressure from the portion of the vehicular operator's body on the second section equal to or greater than the pressure for performing the second section of interference with the vehicular operator's ability to operate the steering wheel." This deformation takes place with respect to the second section bending away from the first section that attaches to the steering wheel as shown in Figure 4. This and other features distinguish claims 20-28 from each of the references relied on by the Examiner in rejecting claims 20-28.

A. Applicable Law

In order for there to be anticipation under 35 U.S.C. §102, a single prior art reference must show each and every feature of the claimed invention in the same way. . *Brown v. 3M*, 265 F.3d 1349, 1351 (Fed. Cir. 2001) ("To anticipate, every limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim"); *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565, 1571 (Fed. Cir. 1986)

("absence from the reference of any claimed element negates anticipation"). Applicant submits that neither Van Arsdel, Anson, nor Laubach satisfy this standard for finding anticipation under 35 U.S.C. §102.

B. Van Arsdel Does Not Anticipate Claims 20-26 and 28/20

Claim 20 is an independent claim and claims 21-26 and 28/20 depend from claim 20. As such, claims 21-26 and 20/20 add features to claim 20.

In relying on Van Arsdel, the Examiner does not cite to any descriptions of the auto steering wheel handgrip disclosed in this reference but annotates the drawings for this purpose. Specifically, the Examiner annotated Figures 3 and 8 in an attempt to show what is being claimed in claim 20. The Examiner indicates that what is shown at reference no. 4 equates to the first section in claim 20 and what is shown at reference no. 2 equates to the second section in that claim. Applicant believes that the Examiner fails to appreciate the description of the auto steering wheel handgrip that is described in Van Arsdel. Van Arsdel at column 2, lines 13-40 states:

The grip-rest 2 is concave longitudinally and about half of the rest extends over and part way across the steering wheel rim 3 in a manner to slope downwardly and inwardly of the rim. The outer edge 4 on the side, and 5 of the rear end of the concave, located above rim, extends up into a marginal flange to be contacted by the inside of the ball of the thumb or by the bottom of the hand, depending upon which part of the hand is seated on the rest. These flanges 4 and 5 enable the operator instantly to feel any deviation of the car from a street course and gives him something substantial to push against in resistance and also and rotating the wheel to steer the car around corners and curves and away from obstacles or bad places in the roadway.

The rotation of the steering wheel by hand pressure against the flanges 4 and 5 is assisted by the palm and fingers, which are wrapped around the rim of the wheel, and increase the fingerhold [on] the grip-rest 2, which is thickened and bifurcated to straddle the rim as shown in Fig. 6, is provided with recesses separated by ridges, here shown as three in number, 6, 7, and 8. [See Figure 4] The ends of the three last fingers of the operator's hand are seated in the recesses with the rib 6, 7, and 8, respectively, separating the fingers and increasing the grip of the hand on the wheel. [Emphasis added]

A review of Figures 3 and 5 as annotated by the Examiner to attempt to show that the auto steering wheel handgrip of Van Arsdel is disposed outward at an angle α to a plane across the face of the steering wheel shows that the Examiner's position is

misplaced. As the description above from Van Arsdel indicates, the auto steering wheel handgrip is disposed as shown in Figure 6 parallel to the plane across the face of the steering wheel not at angle to it. This is very clear because in each disposition of the auto steering wheel handgrip in the Figures, the handgrip is fixed in this parallel plane to support the thumb or part of the palm. It is also fixed so that it is not deformable so the driver can put extensive pressure on it (and it will not move) for steering the automobile (see underscored sections in the quotation above).

If the handgrip was supposed to be at an angle α as the Examiner contends, the disposition of the handgrip would be shown differently in the drawings. As such, there is not support for the Examiner's contention that the handgrip is disposed other than in the plane parallel to the plane across the form of the steering wheel. Accordingly, one skilled in the art would not understand the auto steering wheel handgrip in Van Arsdel to be disposed as the Examiner contends. Moreover, there is no support in the description of the auto steering wheel handgrip in Van Arsdel that it will deform in any way out of interference with the operation of the steering wheel. Applicant submits he is justified in taking this position given the description of the connection of the hand grip as shown in Figure 6 or the integrally formed handgrip shown in Figure 8. Therefore, the auto steering wheel handgrip of Van Arsdel would not anticipate the invention as set forth in claim 20. Specifically, Van Arsdel at least does not teach or suggest the features of the second section being disposed outward at an angle from the plane across the face of the steering wheel and the handgrip of Van Arsdel does not deform as set forth in claim 20.

Noting in the foregoing, Applicant has demonstrated that the auto steering wheel handgrip of Van Arsdel does not anticipate (or render obvious) the invention of claim 20. Accordingly, Applicant respectfully requests that the anticipation rejection based on Van Arsdel be withdrawn.

Claims 21-26 and 28/20 depend from claim 20. As such, each of these dependent claims includes all the features of claim 20. Therefore, claims 21-26 and 28/20 are not anticipated by Van Arsdel for the same reasons that claim 20 is not anticipated by this patent. Thus, Applicant has traversed the Examiner's basis for rejecting claims 21-26 and 28/20 for anticipation and respectfully requests that this rejection be withdrawn.

C. Anson Does Not Anticipate Claims 20-28

The Examiner has rejected claims 20-26 and 28/20 for anticipation based on Anson. Referring to the Figures of Anson, the Examiner has indicated that reference no. 13 equates to the first section recited in claim 20 and reference no. 11 equates to the second section of the claim. The Examiner has annotated Figure 8 to indicate that the steering wheel attachment of Anson is disposed at an angle α with respect to a plane across the face of the steering wheel. Before addressing the Examiner's basis of rejection, Applicant submits that the description of the steering wheel attachment of Anson is germane to the Examiner's position on anticipation. Applicant also submits that if this description is taken into consideration, the Examiner should withdraw the anticipation rejection based on Anson.

In the description of the purpose of the steering wheel attachment in Anson, the patent states (Page 1, left column, lines 6-25):

I have found that in the driving of an automobile and particular when driving for extended periods of time over long distances, the normal manner of holding and manipulating the steering wheel, wherein both driver's hands grasp the wheel and positions which require the driver's arms remain in a raised and more or less unnatural and uncomfortable position, considerable strain develops in the driver's hands, arms, shoulders and back particularly, and results in excess of fatigue, such as will frequently dull the driver's normal reflexes and alertness and thereby increase the danger of accidents.

To obviate these this advantages, I have devised an attachment for steering wheels, which permits a driver to assume a completely comfortable and relaxed driving position, while at the same time, affords a means permitting the driver to at all times retain positive operating control of the steering wheel. [Emphasis added]

The steering wheel attachment of Anson is subsequently described in the patent. The following description is stated (Page 1, right column, line 49 – Page 2, left column, line 21):

The attachment comprises a hand grip portion 11, which is preferably of bulbular form and constructed of unflexible material such as rubber or a similar pliable composite material. Grip portion 11 normally extends downward from the wheel rim and is of a suitable length to adapt same to extend to the region of the driver's lap so that it may be grasped by the driver's hand when his hand is resting in a normal comparable position in his lap. Grip portion 11 is reduced in cross-sectional area at one end to

form a neck 12. Neck 12 is constructed the same composite material as hand grip 11 and it is a feature of this invention to utilize a composite material, which will have sufficient pliability to permit neck 12 to be deflected from its normal pendant position without adversely affecting the measure of control of the steering wheel movements afforded by the positive operating movement of the attachment, while the same time, neck 12 will retain sufficient rigidity to permit operating movements of hand grip 11 to be positively communicated to the steering wheel rim for effective control of its movements.

At one side of neck 12 is attached to tie strap 13 constructed of the same or similar material as that forming the handgrip and neck portions. [Emphasis added]

Applicant submits that the steering wheel attachment of Anson teaches away from the invention of claim 20. As set forth in the quotation above, the steering wheel attachment of Anson is a pliable structure that dangles downward from the bottom of the steering wheel. It is further understood from the quotation above that this steering wheel attachment is grasped by the driver's hand in use while the arms and hands are in the driver's lap. There is no teaching in Anson that the steering wheel attachment can be disposed of any location other than at the bottom of the steering wheel where it dangles for use. Moreover, Anson does not disclose that any body part is supported by the dangling portion only that the dangling portion is held on to.

If the steering wheel attachment of Anson were disposed in the upper portion of the steering wheel, it would be inoperable for the carrying out the purpose of the first and second section of steering wheel of claim 20. Further, the background of Anson teaches that the Anson-type attachment is to operate in a manner inapposite to what is claimed in claim 20. As such, a person of ordinary skill in the art would find that there is no teaching in Anson in which the hands are or other body part is supported by the steering wheel attachment as in claim 20 or there is an element of the Anson-type attachment that would deform under pressure out of the way of the operation of the steering wheel (as in claim 20) because of the only location of the disposition of the attachment is at the bottom of the steering wheel.

Given the foregoing, the steering wheel attachment of Anson at least does not teach the features of the second section being disposed outward at an angle from the plane across the face of the steering wheel (Anson extends rearward) and it does not

teach that the attachment would deform out of interference with the operation of the steering wheel as set forth in claim 20.

Applicant has demonstrated that claim 20 is not anticipated (or rendered obvious) by Anson and requests that the anticipation rejection based on this patent be withdrawn.

Claims 21-26 and 28/20 depend from claim 20. As such, each of these dependent claims includes all the features of claim 20. Therefore, claims 21-26 and 28/20 are not anticipated by Anson for the same reasons that claim 20 is not anticipated by this patent. Applicant has traversed the Examiner's basis for rejecting claims 21-26 and 28/20 for anticipation and respectfully requests that this rejection be withdrawn.

D. Laubach Does Not Anticipate Claims 20, 27 and 28/27

The Examiner has rejected claims 20, 27, and 28/27 for anticipation based on Laubach. In formulating the rejection based on Laubach, the Examiner has not relied on any part of the disclosure in that patent but has annotated the drawings to allegedly show that Laubach teaches each and every feature of claim 20. The Examiner has indicated that reference nos. 7 and 8 of the knob 2 equates to the first section of claim 20 and reference no. 10 equates to the second section of this claim. Applicant submits that the Examiner's reliance on Laubach is misplaced.

Laubach states the following with regard to the knobs attached to the steering wheel (Page 1, line 43 – 71):

By particularly considering the Figures 2 and 3, it will be seen that the knobs 2 are secured to the rim of the wheel 1 by means of securing screws 4, these screws being threaded as indicated at 5 longitudinally through the knob 2, and extending for quite a distance through the entire length of the knobs, thereby efficiently bracing the same. The inner ends of the knobs 2 are concave as indicated at 6, so as to conform to the contour of the outer periphery of the wheel 1. Each knob 2 is also provided with a forwardly extending tapering portion 7, which is so constructed as to merge into the edge of the wheel and produce a smooth surface at the juncture of the wheel and knob 2. The rear face of each knob 2 also is slightly curved, as indicated at 8 for the purpose of merging into the surface of the wheel 1 and produce a smooth joint at all points of juncture between the knobs 2 and the periphery of the wheel 1.

Each knob 2 is provided with a plurality of finger sockets 9 upon the upper face thereof, and an enlarged head portion 10 at the outer end thereof, for the purpose of facilitating the gripping of the knob and

preventing the actual slippage of the hand of the operator from the knob 2.
[Emphasis added]

The description of the knobs in Laubach make plain that the Examiner's position of anticipation based on this reference is also misplaced. First, the knobs of Laubach are rigidly connected to the steering wheel by the screws 5. As such, the knobs are meant remain in place in operation. This location is in a plane parallel to the plane across the face of the steering wheel.

The Examiner has annotated the drawings to attempt to show that enlarged head 10 is disposed outward at an angle from the plane across the face of the steering wheel. This is not supported.

The hands of the driver are supported by gripping the knobs in the defined finger recesses shown in the drawings. The heads 10 are enlarged for this sole purpose of preventing the hands from slipping off of the knobs. The heads 10 clearly are not disposed at an angle outward of the plane across the face of the steering wheel but are placed at the end of the knobs solely to act as a stop. Further, the heads 10 are not deformable out of interference with the operation of the steering wheel as set forth in claim 20. They are fixed in place along with the rest of the knobs. Accordingly, Laubach at least does not teach the features of the second section being disposed outward at an angle from the plane across the face of the steering wheel and knob of Laubach does not deform out of interference with the operation of the steering wheel as set forth in claim 20.

Applicant has demonstrated that claim 20 is not anticipated (or rendered obvious) by Laubach and requests that the anticipation rejection based on this patent be withdrawn.

Claims 27 and 28/27 depend from claim 20. As such, each of these dependent claims includes all the features of claim 20. Therefore, claims 27 and 28/27 are not anticipated by Laubach for the same reasons that claim 20 is not anticipated by this patent. Therefore, Applicant has traversed the Examiner's bases for rejecting claims 27 and 28/27 for anticipation and respectfully requests that this rejection be withdrawn.

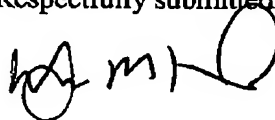
III. Conclusion

In this Response, Applicant has traversed Examiner's (i) objection to the drawings, (ii) objection to the specification, (iii) and anticipation rejections under 35 U.S.C. 102(b) based on either Van Arsdell, U.S. Patent No. 2,118,540; Anson, U.S. Patent No. 2,134,020; and Laubach, U.S. Patent No. 1,575,848. As such, Applicant has placed the present application in condition for allowance.

The present invention is new, non-obvious and useful. Reconsideration and allowance of the claims are respectfully requested.

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Respectfully submitted,



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Annotated Sheet Showing Changes

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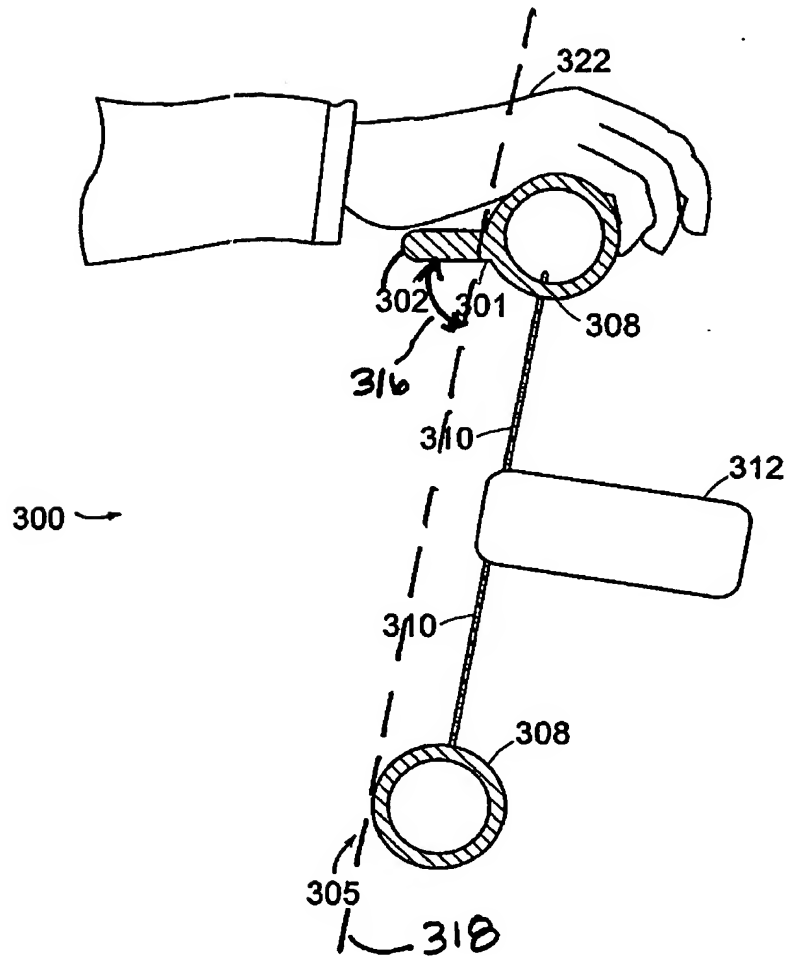


FIG. 3

Annotated Sheet Showing Changes
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